

that although the determinations made in this Final Rule are effective May 24, 2011, regional Reliability Standard IRO-006-WECC-1 approved in this Final Rule will not become effective until the first day of the first quarter after applicable regulatory approval. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB, that this rule is not a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

By the Commission.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2011-7040 Filed 3-24-11; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2010-0794; FRL-9279-2]

**Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing approval of revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) portion of the California State Implementation Plan (SIP). These revisions were proposed in the **Federal Register** on November 5, 2010 and concern oxides of nitrogen (NO<sub>x</sub>), carbon monoxide (CO), oxides of sulfur (SO<sub>2</sub>) and particulate matter emissions from boilers, steam generators and process heaters greater than 5.0 MMBtu/hour. We are approving a local rule that regulates these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** *Effective Date:* This rule is effective on April 25, 2011.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2010-0794 for this action. The index to the docket is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Idalia Pérez, EPA Region IX, (415) 972-3284, [perez.idalia@epa.gov](mailto:perez.idalia@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

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**I. Proposed Action**

On November 5, 2010 (75 FR 68294), EPA proposed to approve the following rule into the California SIP.

Local agency	Rule No.	Rule title	Adopted	Submitted
SJVUAPCD .....	4320	Advance Emission Reduction Options for Boilers, Steam Generators and Process Heaters greater than 5.0 MMBtu/hr.	10/16/08	03/17/09

We proposed to approve this rule because we determined that it complied with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

**II. Public Comments and EPA Responses**

EPA's proposed action provided a 30-day public comment period. During this period, we received comments from Paul Cort, Earthjustice; letter dated December 6, 2010 and received December 6, 2010. The comments and our responses are summarized below.

*Comment #1:* Earthjustice supported EPA's proposed approval of Rule 4320 and EPA's assertion that the fee provisions in the rule fail to comply with EPA policy on economic incentive programs.

*Response #1:* No response needed.

*Comment #2:* Earthjustice asked EPA to clarify that no emission reduction credit is appropriate for Rule 4320 until SJVAPCD submits additional documentation, subject to public review

and comment, including documentation demonstrating permanent, enforceable, surplus and quantifiable CO and NO<sub>x</sub> reductions associated with fees paid in lieu of direct control of these and documentation demonstrating the PM reductions associated with SO<sub>2</sub> controls.

*Response #2:* The discussion of SIP credits in our TSD and proposal was included for information only and does not affect our action on Rule 4320. Our proposed approval of Rule 4320 relied largely on a finding that the rule improved the SIP, and not on if or how many emission reductions the rule provides. Comments on whether SJVAPCD ensures adequate emission reductions are more appropriate to action on plans. When EPA approves a plan, we are effectively approving the emission reduction assumptions for specific rules that it is based on. Proposed rulemaking on a plan is subject to notice and comment and would be the appropriate forum to raise issues on whether reductions from

specific rules should be credited to the SIP.

**III. EPA Action**

No comments were submitted that change our assessment that the submitted rule complies with the relevant CAA requirements. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving this rule into the California SIP.

**IV. Statutory and Executive Order Reviews**

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those

imposed by State law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and

the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 24, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 15, 2011.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

- 1. The authority citation for Part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

#### Subpart F—California

- 2. Section 52.220, is amended by adding paragraph (c)(363)(i)(A)(7) to read as follows:

##### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(363) \* \* \*

(i) \* \* \*

(A) \* \* \*

(7) Rule 4320, “Advance Emission Reduction Options for Boilers, Steam Generators and Process Heaters greater than 5.0 MMBtu/hr,” adopted on October 16, 2008.

\* \* \* \* \*

[FR Doc. 2011–7090 Filed 3–24–11; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Part 170

[USCG–2007–0030]

RIN 1625–AB20

#### Passenger Weight and Inspected Vessel Stability Requirements; Correction

**AGENCY:** Coast Guard, DHS.

**ACTION:** Correcting Amendment.

**SUMMARY:** The Coast Guard is correcting a final rule that appeared in the **Federal Register** on December 14, 2010. That rule amended Coast Guard regulations governing the maximum weight and number of passengers that may safely be permitted on board a vessel and other stability regulations, including increasing the Assumed Average Weight per Person (AAWPP) to 185 lb. The rule also improved and updated intact stability and subdivision and damage stability regulations.

**DATES:** These changes are effective April 25, 2011.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this amendment, contact Mr. William Peters, U.S. Coast Guard, Office of Design and Engineering Standards, Naval Architecture Division (CG–5212), telephone 202–372–1371. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

The Coast Guard is correcting a final rule that appeared in the **Federal Register** on December 14, 2010 (75 FR 78064). That rule, among other things, added new definitions of “Assumed average weight per person”, “Constructed”, and “Lightweight” to 46 CFR 170.055. The definition of “Length” in that section was left unchanged except that it was redesignated to a different paragraph. Due to a clerical error, however, the amendatory instructions in the rule would result in two redundant definitions of “Lightweight” and the elimination of a definition of “Length” in § 170.055. This correction remedies that error by removing the second occurrence of a definition of “Lightweight” and restoring the definition of “Length” in that section. This correction also revises an incorrect internet address in 46 CFR 170.090(g).